

December 22, 2014

Regular Meeting of the Township Committee of the Township of Hanover, County of Morris and State of New Jersey was held on Monday, December 22, 2014, at 8:30 o'clock in the evening, prevailing time, at the Municipal Building, 1000 Route 10, in said Township.

PRESENT: Mayor Francioli, Members Gallagher, Ferramosca, Brueno and Coppola

ABSENT:

STATEMENT BY PRESIDING OFFICER:

Adequate notice of this meeting has been provided in accordance with the Open Public Meetings Act by posting written notices and agenda of the meeting on the bulletin board in the Municipal Building, 1000 Route 10, Township of Hanover and by hand delivering, mailing or faxing such notice and agenda to the following newspapers:

HANOVER EAGLE
MORRIS COUNTY'S DAILY RECORD
THE STAR LEDGER

And by filing same with the Township Clerk.

(Signed) Ronald F. Francioli, Mayor

PLEDGE OF ALLEGIANCE TO THE FLAG

OPEN TO PUBLIC

Moment of Silence for the two fallen police officers of Manhattan that took place these past two days, so on that note. (moment of silence) Ladies and Gentleman I thank you for remembering them.

Motion to open moved by Member Ferramosca and seconded by Member Brueno and unanimously passed.

Kim Landers, 11 Independence Drive, Whippany: I know I have been in touch with some of you about the speeding mainly the High School students on the road, I know it was being discussed about the speed bumps, and what you guys were going to do from here and I was wondering what came out of your discussion.

Mayor: Kim, what was exactly discussed, the report that we got from our Chief of Police and some Officers, and by the way we recognize the fact that there is a real issue here and I'll tell you the steps that we are going to take and they might lead to

speed tables at some point. Let me tell you what we are going to do. The first recommendation that the Chief has is something that we have been successfully on Forest Way and that is a stripping system for the street creating two lanes that will be a defined strip in the middle and side lanes as well, that has helped to do and with experience shows that on Forest Way drivers who followed those lanes had to slow down in order to stay within the lanes. In conjunction with that, Committeeman Brueno will be meeting with Mr. Manning and a discussion with Mr. Manning what the situation is with the permitted drivers that he has permits and he is going to over what we are doing and he wants to hear from Mr. Manning as to what we can do cooperatively together to put this in control. Needless to say, police vigilance on the road will be increased and we want to do that during those hours of school being let out. And, we will monitor this and, if this is not successful in stopping this and we have every reason to believe it will be effective but if it is not successful and the Township Committee is pretty much unanimous then we will go to speed tables as we have on McNab and we have on Countrywood, etc. But there have been two issues here some neighbors on the street that don't want speed tables and we appreciate their point of view, and, there are families that do understand and do want the speed tables, so let's take this first step. Let's follow the recommendations of our Chief and the recommendations of the traffic officer and by the way that will take place immediately. Our Engineer tells us that we might be able to do the stripping, if the weather is still in our favor. We can get the stripping done and we also had another suggestion by Member Gallagher who is on our School Safety Committee. We have some visual signs that we can employ in the area to make the students, the drivers, whomever they are aware of the speed limits in that area so we will do that.

So, let's see if it works, if it doesn't I assure you speed tables are going to be the next step.

Ms. Landers: Excellent, I would like to thank the Police Department they have been wonderful, but unfortunately they can't be there every morning and every afternoon, as it is. Another suggestion is don't let them make a left out of the parking lot in the afternoon. I don't know if that is feasible, but that would stop them from speeding down the road in the afternoon, make them make the right onto Whippany Road. And also the same thing about the speed limit, it is only posted like once on the road, maybe that would help to, posting it more than once.

Mayor: Additional posting along the way, it's a 25 mile an hour school zone.

Mr. Coppola: Don't forget we also did the traffic study, so it's giving an idea in what areas they have to look at.

Ms. Landers: Thank you.

Joe Mihalko, 12 Anna Terrance, Whippany: I thank you for this opportunity to address you this evening and I would like to start off with some kudos, Committeeman Coppola I read a letter that you submitted in support of Police Departments everywhere and what not very commendable, I think that was well written, well versed and I wish more people get the opportunity to read to it.

Committeeman Brueno, you have a lovely daughter,

Mr. Brueno: Thank you sir, I appreciate that.

Mr. Mihalko: Come out in support of her Dad, and all of you gentleman I know where your hearts are, they are with this Town. I would just like to make, we are going to discussion or open to the public 44-14, so we will leave that for the moment. But just slightly touching on that, a number of months back we rezoned a section on North Jefferson Road from R15 to R15A. We heard a number of promises "yeah we can do that" "yes we will do that" I don't know if any of you had the opportunity to drive into the temporary access road that has been put in on Jefferson Road, on the old, shall I say slaughter house property? The elevation which I had assumed when the proposals were put up were going to be quite different than what they seem to be right now. I would just invite each of you if you had not had the opportunity to take a ride up North Jefferson Road and make a right onto the road that is temporary and just look at what all of the promises were made to all the residents in that area and to the Township Committee had led too, it's a travesty. I think the elevation goes from zero to about 10 feet high, with I don't recall it ever being discussed, matter of fact I thought it was completely different. There is a developer that keeps wanting to develop in this town, be careful. But please if you have an opportunity just take a ride up that road and you will see what I'm saying.

Mayor: Joe, you can be assured I will take a ride there, but I'm going to do that with our Engineer. Now, Gerry is monitoring the soils on that property. Are there submissions of plans of specific elevations etc.

Mr. Maceira: We haven't seen an as built from the road, but the plan was approved and that road is elevated out through the back because they had to get the drainage out towards the front.

Mr. Mihalko: I concur that it will elevate towards the front, but it also is going to elevate to each side of the neighboring properties, or I say descend to each side of the neighboring properties. A little drastic if you take a look at it.

Mayor: Gerry, you got these plans? Can we take a ride?

Joe we will be up there this week and see, we will take a look Joe.

Mr. Mihalko: Thank you.

Tom Amaducci, 27 Mountain Ave, Cedar Knolls: I have had some property on Rossi Road which is adjoining the Ordinance of 44-14 amends the ordinance, and the concern that I have gotten, I just need some explanation I guess. One of the ordinance requirements is that all truck traffic will be entered to the town center zone through either Apollo Drive or Rosin Road, my property.

Mr. Giorgio: I don't mean to interrupt you, but with all due respect, those comments of 44-14 should come at the time when we open the hearing.

Mr. Amaducci: I will wait for that then, thank you Joe.

Mayor: Anyone else like to be heard at this time?

Robert Steiger, 13 Korda Place, Cedar Knolls: My first comment is that the Municipal Building looks beautiful, to see the decorations up I give you guys credit. A lot of Towns are afraid to do it I think it is wonderful what you've done. The building really does look spectacular.

Next, I got my sewer bill and they were bragging about going up 3%, mine went up 12% this year. It has gone up 50% since 2010. What is going on, are they building a Taj Mahal there or what?

Mr. Ferramosca: First of all Merry Christmas, and thank you for coming out tonight, the Monday before Christmas. The sewer bill is basically, there are two components, there is a fixed element which runs the plant, and what they do is they try to use connection fees to pay the majority of your fixed element. They also use bonds to pay for that but the issue that a lot of homeowners in current terms of increases, they may say that there was an overall 3% increase on average but some people may get a lot more of an increase than others, and why they are getting it the sewerage bill is no longer a fixed amount of money, it is based upon actually water consumption, it is based on actual water consumption, it's not on your sewer consumption, it's based upon the water consumption and Bob sitting there and listening to their meeting and having people coming up talking about it, the majority of home owners that have experienced increases in the sewer bill it's a function of a leaky toilet.

Mr. Steiger: You can't leak a toilet that much, I'm sorry. My water bill has gone down, it's just me and Robby with the five kids gone, the water bill has maintained the same for the past 10 years but my sewer bill has gone up ever since for the past 5 years.

Mr. Ferramosca: I know that it's a function, actually what I would do if you feel that the bill is incorrect, than, I guess you do feel it is incorrect, go down there and say

here is my water bills or show me the water bills, they have access to the bills, and show me where and why my bill is going up 10% if the sewer authority increase is 3. The only way I know it can go up because I know you didn't put a new connection to your house, you didn't get a bill connection fee, so the only way it can go up above three is for increase water consumption and the majority of the culprit of increase water consumption is a leaky toilet.

Mr. Steiger: Wouldn't that be reflected in my water bill?

Mr. Semrau: It is important to know that that is a separate autonomous agency. So, you know, you certainly are the liaison, but this governing body has no control over that.

Mr. Steiger: But the liaison should have enough information at a meeting to know what is going on.

Mr. Semrau: No. But, the best place to voice any concerns and questions would be directly to the HSA, they would have that data and information. That's the best way, especially a specific answer to a question; I think that is what they are there for.

Mr. Ferramosca: My recommendation is to when you get a chance contact Lauren in the HSA office and give her your property number and just ask Lauren to double check, and they will be happy to do it. Listening to the issues with them, the majority of the culprits are leaky toilets.

Mr. Steiger: I understand, I sat there for 17 years I know how the Sewerage Authority works. My other question now is gentleman, in 1999, the people of this town, overwhelming supported the Open Space Trust Fund. It gave us .02 towards every \$100 or whatever it was; and you guys you got into trouble a few years ago and chopped the daylight out of it, you got it down to a ½ a penny, please you said last year you couldn't do anything Ron, because you owed Lucent so much money. Please guys, we can't do squat on the open space, with a ½ a cent, we can't even look at pieces of properties and decide we would like to get it. We offered a \$100,000.00 to the people doing the trails because we wanted to be supportive of them, but please when you get to budget time please try to get it back to at least to a cent a cent and a half. I ask you that please.

Mayor: You are absolutely correct in that several years ago, it was cut back to a ½ cent and that was in connection with all the debt issues that the Township had. You know how Hanover feels about that. But we lead the largest in the county in tax appeals, our CFO is not here tonight, but if he was I would give him a congratulations, because last year we did a wonderful job with knocking down billions of dollars of tax appeals and at the same time we were able to put back a million and a half back into

road construction, reconstruction and still the number is zero tax increase for our residents.

Mr. Steiger: That was wonderful, mine was actually down a couple hundred dollars.

Mayor; You've heard me on this; I'm still after that for this coming year, a zero tax increase and working backwards from that, what our infrastructure needs and at the end of the day, if we can add into the pot for open space and by the way we do expect in this coming year to, some large amount of incoming dollars for tree fund, which by the way is beginning to diminish because of the lack of large groups That doesn't mean we should keep large projects coming in just to feed our tree funds, but we will have a significant amount of money for our tree fund and the Township Committee, I'm sure would want to look at what kinds of cash we have to put back into the Open Space Fund.

Mr. Steiger: Speaking of Tree Fund, the trees that they destroyed on the corner on Ridgedale and Hanover Avenue, has the town ever gotten anything for those trees?

Mayor: Yes, some \$67,000 or \$68,000.

Mr. Steiger: I have questions on that ordinance that you are going to do, but I will bring that up when the time comes.

Mayor: But Bob, take John's advice, some of my neighbors had taken their water bills into HSA and it's based on gallon usage so it shouldn't be such a large jump over their increase that their gallanage matches up to what they are charging for the sewerage it shouldn't be significant as your saying. Take that advice and bring the bill in.

Mr. Coppola: Bob I went through the same thing with my grandson when he started living with us; and my wife and I were shocked to realize how much extra he was using because of two hour showers.

Motion to close made by Member Ferramosca and seconded by Member Gallagher and unanimously passed.

ORDINANCE FOR PUBLIC HEARING AND CONSIDERATION OF ADOPTION:

RESOLUTION NO. 223-2014

A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF

**HANOVER SETTING FORTH THE REASONS WHY IT SHOULD ADOPT LAND USE
ORDINANCE NO. 44-14 NOTWITHSTANDING THE PLANNING BOARD'S OPINION
THAT ORDINANCE NO. 44-14 IS INCONSISTENT WITH THE TOWNSHIP'S
MASTER PLAN**

WHEREAS, the Township Committee of the Township of Hanover has introduced Ordinance No. 44-14 entitled, "An Ordinance of the Township Committee of the Township of Hanover Amending and Supplementing Chapter 166 of the Code of the Township entitled Land Use and Development Legislation, by Adding an Alternative Mixed-Use Development Option for the TC-Town Center Zone District"; and

WHEREAS, Ordinance 44-14 would amend the TC-Town Center zone regulations by providing an alternative development option for a mixture of flex-office/warehouse/industrial buildings and residences in the zone; and

WHEREAS, pursuant to N.J.S.A. 40:55D-26a, the ordinance was forwarded by the Township Committee to the Planning Board for a report and recommendation; and

WHEREAS, the Planning Board, pursuant to its letter to the Township Committee dated December 9, 2014, stated that portions of Ordinance 44-14 are partially consistent and partially inconsistent with the Master Plan; and

WHEREAS, the New Jersey Municipal Land Use Law, at N.J.S.A. 40:55D-62a, provides that the governing body, when adopting a zoning ordinance that is inconsistent with the master plan, shall set forth its reasons for so acting in a resolution and that it record such reasons in its minutes.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Hanover in the County of Morris and State of New Jersey as follows:

1. That it gives the following reasons for adopting Ordinance 44-14, notwithstanding the inconsistency of the ordinance with the Land Use Element of the Master Plan:

A. Ordinance 44-14 is consistent with and designed to effectuate the Housing Element of the Master Plan, and will assist in addressing the Township's affordable housing obligation. As noted in the Planning Board's December 9, 2014 letter, the Housing Element and Land Use Plan Elements are currently inconsistent with each other.

B. Ordinance 44-14 addresses the Township's zoning obligation as set forth in the court settlement to the River Park Business Center litigation involving the TC zone.

C. Ordinance 44-14 adds an alternative development option to the current zone. The alternative option, which includes flex-office/warehouse buildings as a

permitted use, is consistent with the historic industrial use of the property and with the industrial zone immediately to the west on South Jefferson Road.

D. Ordinance 44-14 will promote the redevelopment of the vacant former industrial site in the zone. Although the Town Center zone was adopted in 2004, the property in the zone has not redeveloped since that time; therefore an alternative development scheme is reasonable to consider. In fact, the property has been dormant for twenty-five years and therefore the ordinance will encourage redevelopment of this significant tract of land.

2. That the Township Committee directs that the minutes of this meeting include the above reasons for proceeding with the adoption of this ordinance.

3. The Township Committee of the Township of Hanover, in the County of Morris and State of New Jersey, resolves that Ordinance 44-14, entitled "AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER AMENDING AND SUPPLEMENTING CHAPTER 166 OF THE CODE OF THE TOWNSHIP ENTITLED LAND USE AND DEVELOPMENT LEGISLATION, BY ADDING AN ALTERNATIVE MIXED-USE DEVELOPMENT OPTION FOR THE TC – TOWN CENTER ZONE DISTRICT" be passed on final reading and that a notice of the final passage be published in the December 31, 2014 issue of the Morris County Daily Record.

4. That certified copies of this resolution along with the adopted Ordinance No. 44-14 shall be transmitted to the Morris County Department of Planning and Development, the Township's Planning Board, all municipalities contiguous to the Township of Hanover, the Township's Professional Planner and Township Engineer for reference and information purposes.

LAND USE ORDINANCE NO. 44-14

AMENDING AND SUPPLEMENTING CHAPTER 166 OF THE CODE OF THE TOWNSHIP ENTITLED LAND USE AND DEVELOPMENT LEGISLATION BY ADDING AN ALTERNATIVE MIXED USE DEVELOPMENT OPTION FOR THE TC-TOWN CENTER ZONE DISTRICT.

Proof of Publication that the Ordinance and the Notice of Introduction for Ordinance 44-14 appeared in full in the December 4th, 2014 issue of the Daily Record in accordance with the law and we have filed the Ordinance and Notice of Introduction with the Morris County Planning Board in accordance with the Municipal Land Use Law and all persons residing within 200 feet of the said property in question within and without that property have been given adequate notice by certified mail and regular mail of tonight's public hearing. We also have again with the accordance with the Municipal Land Use Law. The Ordinance was submitted to the Planning Board for referral and recommendation, and I have in my possession a letter dated December 9, 2014 from the Chairman of the Planning Board and I will read it for the record:

“Dear Mr. Giorgio, as it’s December 9, 2014 meeting the Planning Board reviewed and discussed Ordinance 44-14 which was referred by the Township Committee as required by the Municipal Land Use Law at N.J.S.A. 40:55d-26a. Ordinance 44-14 would amend Chapter 166 of the Code of the Township by amending the regulations for the TC Town Zone Center to permit an alternative mixed use development option consistent with the historic use of the property while also continuing to permit as an alternative development under the current zone standards. The alternative development option purposed by Ordinance 44-14 would permit of a mixture of industrial uses warehouses offices, laboratories data centers, child care centers, townhouses and multifamily dwellings. Two elements of the Master Plan make specific reference to the TC Zone, Land Use Plan Element and the Housing Plan Element. The Planning Board has reviewed Ordinance 44-14 with both Plan Elements and has determined that the Ordinance is partially consistent and partially inconsistent with the Master Plan, specifically the board notes the following:

- 1) Under Land Use Element, Land Use Plan Element recommends that the TC Zone provide for a planned commercial district with a range of retail and professional office space, restaurants, and public amenities. Inclusion of age restricted housing is also recommended, subject to determinations regarding site remediation from the former industrial use. Ordinance 44-14 would continue to allow a planned commercial development that is substantially consistent with the land use plan. However, Ordinance 44-14 will allow an alternative mixed use development containing industrial uses, warehouse, offices, labs, data center, child care centers, townhouse and multifamily residences. The inclusion of industrial, warehouse and laboratory uses and the exclusion of retail and restaurant uses is not consistent with the Land Use Plan.
- 2) The land use plan recommends that non-residential development be limited to a floor area ratio of 0.15 or approximately 500,062 square feet of nonresidential floor area. Ordinance 44-14 would continue to permit a 15% floor area ration under the planned commercial district option, but in the alternative development option would permit or limit nonresidential floor area to

455,295 square feet for a floor area ratio slightly under 13% of the zone.

- 3) The Land Use Plan Element recommends that the percentage of office or retail floor area not exceed 60% of the total nonresidential floor area. Ordinance 44-14 would continue to limit both office and retail floor area each to not more than 60% of the total nonresidential floor area under the planned commercial development option. Under the alternative development option however, Ordinance 44-14 would not permit retail use and would not impose such a limit on office use.

- 4) Land Use Plan Element recommends that the residential portion of the TC be designed as age restricted townhouses, but such housing not exceed 40% of the land area of the district, and that the density not exceed 1.8 units per acre of the district, or approximately 155 total units. Ordinance 44-14 would continue to permit age restricted town house units at a density of 1.8 units per acre of the district on land that does not exceed 40% of the area of the district all within the planned commercial development option, envisioned by the Land Use Plan. Under the alternative development scenario however, Ordinance 44-14 would permit up to 120 housing units, at least 100 units of which would have to be age restricted with at least 20 affordable units all on not more than 11 acres which represents 13.5% of the district.

Now under the Housing Plan Element:

- 1) The Housing Plan Element references the litigation settlement between the Township and River Park Business Center and recommends a mixed use development including affordable housing units consistent with the settlement agreement. Ordinance 44-14 is intended to implement the zoning portion of the settlement agreement and is therefore consistent with the Housing Plan Element.

To summarize Ordinance 44-14 is partially consistent with and designed to implement portions of the Master Plan, and is partially inconsistent with portions of the Master Plan. This is due in large part to the fact that the Land Use Plan and Housing Plan Elements of the Master Plan are not consistent with each other. Ordinance 44-14 would resolve the inconsistency with the Housing

Plan but create some inconsistency with the Land Use Plan. The Board has considered the alternative development scenario presented in Ordinance 44-14 and intends to seek an amendment to the Land Use Plan that would resolve its inconsistency with a Housing Plan and Ordinance 44-14.

As such, the Planning Board recommends the adoption of Ordinance 44-14 as introduced, thank you for the opportunity to comment on Ordinance 44-14.

Very Truly Yours,
Robert Nardone, Chairman on behalf of the Hanover Township Planning Board.”

We will also note for the record that the Notice on the Introduction of the Ordinance with the Ordinance being spread in full with the Notice of Introduction appeared in full in the December 4th and we have the Affidavit of Publication for the record.

Finally, we have a letter that is submitted by Sheppard Guryan on behalf of River Park Center, Business Center Incorporated. The Letter is dated December 19, 2014 and is addressed to me as the Business Administrator/Township Clerk and the letter reads in full:

“Dear Mr. Giorgio: This office represents River Park Business Center Incorporated, River Park, and the owner of the property which is the subject of the above referenced proposed ordinance presently scheduled for consideration on December 22, 2014. River Park objects to the proposed Ordinance number 44-14 and asserts that certain provisions thereof are arbitrary, comprishous, illegal and not rationally related to public health morals, safety or welfare. We note as well that the proposed ordinance purports to implement a certain settlement agreement with the Township and River Park entered into in or about 2008. River Park has repeatedly advised the Township since at least August, 2013 that enlighten of the Townships prolonged failure to perform its obligations under the prorated agreement River Park regards such propertied agreement as abandoned and without any force and effect. Under no circumstances thereof should the Township adoption of proposed ordinance 44-14 be considered fulfillment or performance of any alleged or propertied settlement agreement. The within letter is written without prejudice to River Park’s rights or remedies including but limited to the Right to institute such action or actions as made be appropriate to challenge the existing zoning or some or all of the provisions of any proposed over liaison.

Very Truly Yours,
Sheppard Guryan”

We will note that for the record in full.

Now at this time ladies and gentleman since we met all of our obligations under the Municipal Land Use Law to provide adequate notice to all parties I would ask for a Motion to convene a public hearing. Motion was made by Member Brueno and seconded by Member Coppola and unanimously passed.

Mr. Semrau: Just from a procedural standpoint, I just want to point out two things, first with respect to the protest filed by Mr. Guryan, who is the attorney for the River Park property, which is the subject to the rezoning. What that means under the Municipal Land Use Law, is that an Ordinance, it's a protest, and the Ordinance can only be approved by a super majority, which would mean 4 affirmative votes of the governing body. The second matter is, the letter that was received from the Planning Board, the Planning Board rightfully has an obligation to render an opinion whether or not an ordinance is consistent with the existing Master Plan, and although there was a Master Plan amendment drafted awhile back, it was not approved, it was a timing issue, it was not put forward because at one point, the property owner has indicated that they were going to file suit, so that particular Master Plan was withdrawn.

So, technically there were certain issues raised in that communication from the Planning Board that says that part of the ordinance is legal and it may have served a very good purpose and it may be consistent with the settlement of the parties. It's in some way inconsistent with the Master Plan, so what that means is if you were to adopt this ordinance tonight you also have to adopt the resolution stating the reasons, as to why this governing body still wishing to adopt the zoning ordinance. So after the public comments and the governing body's comments, then I spoke to the planner he will have enough information to put together a short resolution if you were to go in that direction to say here is the reasons why, notwithstanding the points that are raised by the Planning Board that the governing body seeks to adopt this ordinance, we will need that step in between to take as well tonight, not sure if Blais is aware of that.

Mayor: Thank you Fred, I know that John wants to comment for a second, and the floor is open, we just heard an extremely lengthy, extremely detailed, extremely legalized opinion of what is happening in this zone and God Bless you if you followed it all. Let me first say that this particular piece of property, the old Whippany Paper Board Property, since the 30's going forward has been an industrialized use, and mostly an abandoned use at this particular point, you have probably heard most recently many various concepts that have come forward, not just for this property, but also for the South Campus, which is the property next to Bayer Corporation. The Township Committee at its last meeting as you might know, took such action on the South Campus as to retain the OB-RL zone, which will not permit residential housing units in that, and by the way I'm happy to announce that there will be a submission very shortly by MetLife Corporation who will be taking a 200,000 sq. foot portion of the front portion for

their flag ship headquarters, they will be leaving their facility that they lease on Columbia Turnpike.

Having said all of that, brings us back to this particular zone which you are going to hear more about an explanation on but let me give you a lay position on this thing and I know you can't see this, but when you go back to the center that we had, that attorneys' are saying is now abandoned, that court settlement provided that Hanover will get the front portion of the dam some 22 acres above the dam to be attached to our Central Park as open space, there is also a buffer area, which is known as the Treatment Plant portion of that property, which also will be given to the Township. The balance of that property was in the court settlement were to given up 450 plus or minus flex buildings, to a lay person, what is a flex building, a flex building is a combination 20% of the building being office and 80% being warehouse, usually used by large corporations for warehousing storage of their goods the same time. The housing you heard mentioned in this, consisted of age restricted housing in two groupings that the agreement talked about. The two buildings will be on that space above the dam and those two buildings will have a total of 180 age restricted units. We can talk about that in a second.

Finally, there is an affordable portion, which meets the COAH requirements, and those 20 units will be on a portion of the property I would describe to the western portion of the railroad track that still is owned by Whippany Paper Board. That is the sum of this step. As I say, you have heard about concepts that have come forward to cover this property with rental units, and residential housing and the Township Committee is not about, in my opinion, unless I hear from other Committeemen differently, and I don't think I will, is not about to consider that at all, and we wish to put in place with Council's recommendation and advise we would like to put the correct zoning that will memorializes what the Court had told us back in 2008, that is what this is supposed to do. I am going to shut up now. John, you would like to say something?

John Ferramosca: Briefly, in 2007 there was a court ordered settlement, that Court ordered settlement stipulated that there would be continuous cleanup. The developer would receive flexibility to put in these flexible office warehouse units and the third element of that was there would be senior housing. In terms of the memorialization of that court ordered settlement there is some inconsistencies that were in this 60 page document that the planners worked on to address. One was the age of senior housing, two is the specific location of the buildings and the third is the yard requirements based upon specific location of those buildings. My commentary is in regards to the definition of senior housing. Senior Housing from my perspective and many other members of this Committee to include Mr. Coppola is that senior housing, our interpretation of it as we read this document would be 62 plus years of age. These are the individuals who would benefit most from receiving this opportunity of housing. So with that, I just

want to let everyone know that that is something we support. We might not be able to accomplish that very issue tonight, but we will be moving in that direction.

Mayor: On that note, as the Administrator said, and as the vote did state that the floor is now open. Would anyone like to comment on the ordinance, they may do so.

Joseph Mihalko, 12 Anna Terrance, Whippany: The Township Committee in its wisdom has fought long and hard to win a court settlement that was signed off by both parties consented to that Court order both parties should fulfill their objectives to that court order. I fully support the Township Committee approving, as read tonight, and totally in favor and supporting that and would ask that a response letter to the threatening letter sent to us by River Park attorney be responded in kind by our attorney Fred that there are places that letter that they sent can go, that need not see the light of day.

Mayor: Thank you Joe very much for that comment, and certainly thank you for the support on this. It is very important for members of the Township Committee to assure the public of what is going on. It's a complex matter over so many years back and forth on this property as you and I know Bob has started off with an award of 750,000 square feet of office building in the early 70's then they traded off into a town center with some 1,500 housing units I might add, and then it finally traded off to the approval of the flex buildings, which was challenged in court and leading to this settlement which is why we are here tonight to memorialize it. Anyone else like to be heard at this time?

Robert Steiger, 13 Korda Place, and Cedar Knolls: I appreciate your wisdom on the senior housing; age restricted is not senior housing as we well know. My other question is would that be the only portion of the property that will be considered mixed use? The mixed use would not be entire property would not be right.

Mayor: No, Bob as a matter fact, I can show you the drawings, the portion above the dam but towards the lagoons would accept two buildings, my guesstimate, based upon this, there would be some 50 units in each building to make up the two buildings and an additional 24 affordable just on the other side of the tracks.

Mr. Steiger: My other thing I am happy about is, did you say, that the land south east of Whippany River would be donated to the town, the old sewer plant property?

Mayor: Exactly, a piece of buffer property, I don't know if you can see it, what I'm talking about, that piece along the river will be a buffer.

Mr. Steiger: That's fantastic, because that was open space's number one priority to obtain that property. That's wonderful, truly is. I truly support the ordinance, I really truly do, I think it is good for the Town and it will be good for some of our seniors, I hope they take advantage of it. The affordable, most of our seniors don't qualify for, but that is only a small portion of it. Thank you,

Mayor: Thank you Bob, I appreciate that.

Lisa & John Tracy, 38 Legion Place, Whippany: We have lived here over 25 years now, and we received the notice in the mail and we have a question about Legion Place, referenced here as included in the TC area. I want to comment that this a very quiet residential street, a dead end street. Across the street directly from us are woods which is a nice break from that Pine Plaza which is behind us and the Legion place down the street, so I can't tell from the document if the TC applies to that area, it looks like it does, but on your map I see it has a different colored coating. I would like to understand what is allowed in that space 41-49 Legion Place.

Mayor: The portion that you are talking about which is parallel it is earmarked for affordable units, are units that comply with low and moderate income people. Now 20 units can take form of one building, or several small townhouse units, etc., they are designed for and designated as low and moderate, and in order to live in those units you must comply with or meet with certain standards of income of families of 4, 2 etc. But it is residential.

John Tracy: I would like to comment that we are completely opposed to that sort of concept, and I think for two reasons, one the idea of affordable or lower income housing in its self a subject that's not quit so acceptable, but beyond that from a common sense point of view, I think it is clear to say, that if you look at the properties involved here, you have a big low flat open sort of track of land, which is where most of the majority of proposals will take place and above that just across the street from our home you have a raised wooded area, in other words on the other side of the railroad tracks, so to me it would make nothing but common sense to leave the existing wooded area alone as a buffer geographically it is set up already perfectly for that, it is much higher than the lower area on the other side of the railroad tracks, it's in a residential street with nothing but houses other than the American Legion and the cemetery, so to me that that area geographically speaking and conceptually speaking in all practical terms should remain a buffer zone and separate the neighborhood from whatever industrial and commercial properties that eventually get in place below it.

Ms. Tracy: I would also recommend in just taking a ride, if you are not familiar with Legion Place it's hard to see the scale from that map, at least for us, I can tell you for living there for 25 years it's really not that wide of a space, so when we first heard about the concept of some dense housing being placed there we couldn't conceive of it, it just doesn't seem large enough and I would

ask you to take a ride over there and take a look at it yourself and image what would happen to the character of the street as that sort of housing in a dense format matches the rest of the houses on the street. I think it will look very out of character.

Mr. Tracy: It's a strange piece of property, it's a weird shape, it's got an extremely high back drop, because we walk there all the time, and you really have to pick and choose where you can even have access down to the railroad track, it's a really big drop off. So to me again it's a natural boundary if you would that would be best served not being touched.

Mayor: Thank you.

Ms. Tracy: Can you tell us if there is any way this can be amended to exclude that area?

Mayor: I think that at any point, ordinances can be reviewed and amended. There is not question about that. I think that the units that we already taken responsibility for and what is known as our Housing Plan, as part of _____, Hanover is most admiral position now of having little or no COAH requirements, I think under 9 I think. But going back to this particular piece of land, it would not be unheard of to accommodate the 20 units, 10 and 10 and the two building that we are talking about for the senior, they are talking about 50 units and 50 units; I can't really speak to that that would have be something Planning would have to look at, but I can tell you, that Ordinances are subject to review and subject to change we would like to move forward on this for all the right and correct reasons, but I would suggest the Planner take your suggestion under consideration and give you a reply on that.

Mr. Tracy: Again, to make sure we are clear on it, the only thing right now on the proposal that is in this wooded area across the street from our home on Legion Place would be this low income housing project, is that correct?

Mayor: Yes, where this plan is concerned, yes.

Mr. Tracy: I would strongly recommend and suggest that that be relocated within the other apartment buildings or the other larger tract of land that would be my wish, my wife's wish and I'm sure anyone else that lives on our streets wish.

Mayor: I think the building envelope on this Blais was very narrow, right?

Blais Brancheau: There are some facts proposed in the Ordinance that 50 feet from the street and 50 feet from the side property line, its not a huge building envelope but there are provisions for a buffer and provisions for set back.

Mr. Tracy: Once you take the buffers into account it's hard to believe there is enough space left to put anything, so again to reconstruct and knock down all the trees and dismantle this natural buffer to basically drop something in a small downscale size just to accommodate it from a reasonable logical point of view is not logical.

Mayor: I can assure you we will take a look at it, and take it into consideration.

Mr. Semrau: This has a long history, this tract has been in this state since the 1980's. So, I don't think tomorrow anything will happen, but the history to it, Mayor was there, we went out and we walked Legion Place at the time when we tried to resolve this, because the property owner wanted a 1,000 residential units, and that by any school would just be too much, so what happened was as part of the settlement this was a component, even attempts to have them dedicate that aspect of Legion Place to the Township but that didn't come through, but along the lines of what the Mayor said "you already heard the developers against the settlement that they already entered into." So, perhaps there are still a lot of steps that have to take place before they ever suddenly change their mind and get started. But, the things in the Township's favor and your favor that as the Mayor said that when the time the settlement was entered into the affordable needs of the Township may have been different than they are now. They are better now there is more compliance, and, secondly, if there is a developer that comes forward, it is good the Township Committee knows your concerns because there may be an opportunity down the road to convey that and look out for that. This is something that I recommended to the Committee that they do this because there was a settlement, but it doesn't mean that there is not a number of steps in between. This is probably, this wasn't the center piece of the settlement it was for them to build their flex buildings and for the township to get a reasonable number of senior housing that it wanted and this is something that is a component. So I think down the road, there has been so much dialogue over the years, so if it should happen again I think it's good that the committee knows that.

Mr. Tracy: And I'm sure that, in that context we can get our fellow numbers, there are a number of rental properties, but maybe the landlord owners are not present tonight, but I'm sure we could represent the other people on the street in the future, But again thank you.

Mayor: I thank you for your comment and the Township Committee is very aware of the character of that street and there is no doubt that should for whatever reason a developer or someone to come forward on this piece the Township Committee would take a very careful and close look at that I assure you of that. We will have our planner comment on the suggestion of the buffer. Thank you.

Robert Steiger: The gentleman referred to the low income housing. What is low and moderate senior housing look like. Come over to Cedar Knolls and see the beautiful complex that was put in and much larger than whatever go where they are. There must be 100 units and there are only going to be 20 or so. It's gorgeous property and they make the nicest residents, they are seniors and they don't cause much trouble. Boulevard Road, it really is beautiful. Take a look at it. After 8:00 there is no noise whatsoever!

Tom Amaducci, 27 Mountain Ave, Cedar Knolls: I have property on 8 Rosin Road, I own an industrial building there for 40 years, I am just concerned that the ordinance states the only truck entrance to this new town center property will be through Apollo Drive or Rosin Road, it concerned me because my building is directly on Rosin Road and approximately 10 feet off the side of the road, Rosin Road is probably is a 20 foot wide road, to develop that road into a passable road for this purpose would certainly put my building in jeopardy I feel. I do feel Apollo Drive would just improve road, approximately 35 feet wide curbed and that would be the most practical source to access the property. I just didn't know what the intent what the Committee or Planning Board intends to do with those two roads, is one more favorable than the other at this point in time? I know we have talked about this for many years when it was first introduced in 2004 and ten years later and we are still kind of up in the air about it, but I wondered if there was any more further thoughts about the improvement of Rosin Road verses the use of Apollo Drive as the main entrance.

Mayor: I think Tom, the Township Committee early on in considering this property for so many other uses, looked at the viability of opening both roads and they are both possible to do. The only issue with Apollo it is not a critical issue is that our suggestion would of meant some takings of one particular property along the way who is resistant to that, and that is minor in the scope of what will have to happen if we want to open that road. On the other hand Rosin Road, would have to be widened and considerable taking on both sides as you know, we would have to go over railroad tracks to get in there, and that's already been discussed in the agreement that we had with the railroad and DOT some years ago, by crossing those tracks, so that is not an impediment. There is some clean up that shortly will be underway with the Van Dyk is being taken care of as we speak, that is also a viable connection. I can't tell you really at this point, without someone coming forward, without the River Park people and the new family coming forward with a development with this it could be consistent with the settlement how we would handle the street access. You and I agree on one thing they are going to need a way to get out of there another way other than just Eden Lane. It talks about putting a bridge over Eden Lane by the condominium development. It's a very expensive undertaking, that has to be looked at. Some plan items that are down the road. At this particular point, I just want to get the zone straightened out and then see how the pieces go from there.

Mr. Amaducci: For the record, I am in favor of the ordinance so that is not an issue, I think it's about time we did something, I planted the trees on Jefferson Road in 2004 because they didn't like the way it looked into the town center and the trees are about to fall over from the lightning storms!

Vale Constanco, 46 Legion Place, Whippany: I have the same thoughts as my neighbors at 38 Legion, I am opposed to having housing across the street, I don't think it's feasible just the way the gentlemen were saying how it slopes down. But my other concern is if that were to pass, I can't tell from this map here the entrance through Rosin Road, is that road going to be all the way to Legion Place to get to the industrial area as well as to the housing on Legion Place?

Mayor: If you are looking at....

Mr. Semrau: In my recollection Mayor is no,

Mayor: Are you looking at the railroad tracks that define the edge of the property?

Ms. Constanco: I don't know, I can't tell from this thing. It's not in color.

Mr. Semrau: It wouldn't be connected to Legion Place, if that even occurred. It would not be connected.

Ms. Constanco: It wouldn't be a road going through there.

Mr. Semrau: For the industrial use and things of that nature would not exist.

Mr. Coppola: Not even close.

Ms. Constanco: I also want to go on the record that I am opposed to the housing on Legion Place.

Mayor: Thank you, we appreciate that.

Judy Iradi, 43 Locust Drive, Hanover Township: I agree with Mr. Amaducci and Mr. Mihalko and Mr. Steiger, I think this Ordinance from what the description of the difference is is a very positive thing for this piece of property, the development of this piece of the property, I am totally in agreement with it. Given that, perhaps a suggestion might be when this was introduced if all of these reasoning's had been presented to the public there would have prevented a lot of anxious residents in the Township, so we would like to get information upfront rather than wait for the adoption before the ordinance is introduced, like I said if you give all the reasons for it it just a no brainer, it's a great thing for the town.

Mr. Giorgio: Judy, I just want to comment though, the process requires under the Municipal Land Use Law in order to get those reasons to the forefront of the Township Committee, it must first go to the Planning Board, and as recited in the letter that I read into the record, those are the reasons that we can present to the public. So what your saying is go backwards and present the reasons before the planning board has an opportunity to review it. The Planning Board has to do their review first.

Mrs. Iradi: So in the sequence of things, the Township would introduce it, send it to the Planning Board and....

Mr. Giorgio: That's correct.

Mrs. Iradi: That sounds reasonable. And the other thing I think that the housing on by Legion Place, the low income housing I think a better thing would be to integrate the low housing with the market value housing. It makes a better mix. But also I believe that, even without putting this ordinance through, I think that this allows for the low income housing at that location right now, is that correct Blais?

Mr. Brancheau: The Town Center Zone is not defined specifically for affordable housing, it provides for housing not affordable housing.

Mrs. Iradi: And it never specified that position for low income housing.

Mr. Brancheau: There is no mention in the existing Town Center Zone for affordable housing.

Mrs. Iradi: Oh ok, so I agree with these other residents that you are putting this ordinance through tonight, is a really good thing, and but to look at it as soon as you can to see if you can integrate the housing with the senior housing, one location. That spot is a really terrible spot for anybody to live in we don't want to segregate low housing income in a terrible location either, so thank you.

Mr. Semrau: If I can just add please, the affordable housing obligation the Township now is very good, compared to what it was then,

Mr. Brancheau: Yes, and it includes this site.

Mr. Semrau: During one of the things during the settlement negotiations was that very question was asked, it would seem to make sense to integrate and in the negotiations that was not accepted, but on the other hand it is more costly for the developer, we didn't understand that. If it's going to be more costly you can build this. The second thing I would say, not to say the Committee would be

for or against it or anything like that, it's a little easier now going forward if the developer comes forward and wants to negotiate that. It's sort of separate or apart and maybe it could be an item that could get changed and I think tonight the point was made so that if the developer comes forward the governing body knows that that location is something in the back of everyone's mind to put out there, but it did come forward at the time, a long time ago, that very question.

Ms. Iradi: thank you very much.

Mayor: It makes good sense and I think the Committee is looking up and saying, that that property can be given up to a buffer or open space, etc., but again we have already counted those 20 units in our COAH obligation, so we would have to relocate them, is that possible, sure. So I think that's what I told our neighbors earlier, we will take a close look and see whether or not, we just heard counsel say that at the time of the settlement we were not in favor of integrating them, does that mean that the satisfactory way of integration could come about we would do it, let's take a look at it. Again, I like the idea, that we are really having fun with this now, some of the conversations and thoughts that I'm hearing right now are on the assumption that someone is going to walk through that door and ask for building permits. Let's see what River Park's counsel's next response is to us before we get to that point.

Mrs. Iradi: Thank you very much.

Michael Mihalko, 7 Nye Avenue, Hanover Township: I am a former resident of Legion Place, and I live directly across the street from where we are talking about. I agree fully with the Tracy's, that it has to be looked at. I know that someone has to propose something first, before we can start commenting on it, but I know when you get to that point, and you take a look at it you'll see exactly what they are talking about. Housing is going to be pretty tricky right there. On the surface this sounds like a really great idea, my question is by changing the zoning does this open the flood gate to further negotiation right now it's 120 housing, now is this going to make it easier down the road for them to say well it's 120 but we will do 200. Does that make it easier, harder?

Mayor: Well you see changing the zoning; I think we are looking at it from a different side of the desk. We are looking at it from the standpoint that we are now creating zoning consistent with the Court Order of 2008. So are we changing the zoning no we are making the court order of 2008 legitimate with the zoning. This is what River Park is involved with right now, challenging the zoning as incurred in the language and they said we have abandoned this land.

Mr. Mihalko: So obviously, they are going to counter, they are going to try to negotiate.

Mayor: I can't say that, from a legal standpoint, again, that way Mr. Semrau sits here that they are not going to attack us from some other advantage point but I don't think from the one you are proposing that we changing the zoning so are we throwing, I think what we are doing here is solidifying assuring that we got a position.

Mr. Semrau: Just to make you feel better and that is first of all, from the past 2008 when the settlement was reached and signed, almost a year the property owner did come back with various proposals over the years and had various meetings with officials to no avail, the settlement is what the governing body has stood by and the one clear sign is that although there was a protest written by the property owner if there is a settlement and the now the property owner is saying we don't want this settlement and we oppose it, it must mean on the other hand if Hanover Township has taken the position it's settlement we need to go forward with, sounds to me that that is a response that says that the door hasn't been opened, because if they thought it opened the door we wouldn't have that protest letter. It's not every day the developer comes forward and says we don't want our settlement now, we don't want it now. Because the terms are very fair and from my perspective very favorable to the Township, it's a good settlement.

Mr. Mihalko: I agree with it, I think it will be a good use of the space, short of maybe the Town stepping in and buying it and making it something like parks or whatever, obviously that is expensive, but that was my concern, does this open the flood gate, will they have to come back in front of you guys if they want to change it?

Mayor: It's not unlikely, they are attempting to do.

Mr. Steiger: The land that the Township will get that we talked about for the open space, where the sewer plant was, that would no way be attached with the state or anything like green acres cause if they get it then we can't even touch it, it would be something like totally ours and we could do with it as we wish right?

Mayor: The only way that would happen Bob and the Administrator will correct me, is if we took green acres money then it would go...

Mr. Giorgio: Perpetuity

Mr. Steiger: That's what we don't want to happen, cause most of the land we have right now, we can't do anything unless they agree to it.

Mayor: Once you take Federal or County funds then it's theirs.

Jim Neidhart, 3414 Appleton Way, Whippany: First of all I would like to speak in support of the ordinance, I think it's very well thought out and I'm 100% behind it. Second, I would like to make a clarification, a number of residents referred to properties as low income, these areas are affordable income, and the affordable income units have two components, a low income and a moderate income and if you ever saw the amount of money you are allowed to make to qualify for a moderate particularly when you have three bedrooms you would be shocked that its well in excess of \$50,000.00 a year, so they are not like you are getting some really low end riff raff with those type of units. It's a combination. The third thing which I heard tonight for the first time and I know this is way off the road, but there was a comment that at some point, there might be some consideration of a bridge going over to Eden Lane out of this development, I would strongly be against such a bridge, Eden Lane from Jefferson Road almost all the way to Whippany Road is an extremely quiet street, it has virtually on it but trees and the river up until you get to two entrances ways to the Eden Lane complex. Eden Lane is a very high elevation area so both entrances go up through a wooded or flowered area before it gets there, so it is extremely quiet, 298 units in there but a very quiet development and the pool in the community is in the front end right by one of the entrances and it would be horrible to have industrial warehousing trucking coming over by way of the bridge right in front of the quiet elevated pool area right there, so I would be strongly against that if it came to pass just as some people spoke in terms of the logic in keeping residential units with residential units I would think industrial traffic should exit through an industrial area such as Apollo Drive and alike not onto a beautiful quiet Eden Lane that has a portion of Patriot's Path going through it, a lot of the people from Bayer and I suspect MetLife at lunch time come and they have a nice quiet walk there, people walk their dogs there, it's a walking path down to Central Park and having industrial traffic empty out onto that street, I will bet you the majority of the 298 families will be here if you propose that.

Mr. Ferramosca: You are correct, that it's a component in our connectivity plan and it's something that we look forward seeing that being implemented and we are working very closely with the parks commission with the county to affect that so that....

Mr. Neidhart: In building the bridge

Mr. Ferramosca: No to effect building the connectivity to connect the path.

Mayor: Before the settlement and one of us on this Committee had the opportunity to be involved in that settlement, the idea of a bridge for the flex building traffic was vetoed, and the idea of that bridge, and the reason why it was vetoed was precisely the argument that you just gave us. We feel that Rosin Road and Apollo Drive onto Jefferson Road would bring truck traffic out to Route 10 onto the highways is the proper way to go. And, at that time, the Deputy

Mayor John Tort was on the board and argued very strongly against no access onto Eden Lane truck traffic. So we are trying to stay consistent.

Mr. Neidhart: The other practical matter is that if you gave them an out in the middle of Eden Lane that would give them the option turning left and going to Whippany Road and then creating even more havoc to an area that is one of the worst areas in town, so that's another reason not to do it. Thank you.

Is there anyone present wishing to be heard at this time?
Seeing None,

Motion to close by Member Brueno and seconded by Member Ferramosca and unanimously passed.

Mr. Semrau: If the governing body is in favor of this ordinance, then their needs to be a resolution first to adopt and support the reasons, so I am asking the Mayor informally if the consensus is in favor of the ordinance, and if that being the case then we would formally adopt the resolution and formally adopt the ordinance.

WHEREAS, the Township Committee has introduced Ordinance 44-14 which ordinance would amend the Township Zone regulations by providing an alternative development option in the zone.

WHEREAS, the Township Committee has referred Ordinance 44-14 to the Planning Board as required by the Municipal Land Use Law at N.J.S.A. 40:55b-26a

WHEREAS, the Planning Board has indicated that Ordinance 44-14 is partially consistent and partially inconsistent with the Master Plan,

AND WHEREAS, the Municipal Land Use Law provides that the Governing Body when adopting a zoning ordinance that is inconsistent with the master plan set forth its reasons for so acting in a resolution and that it records such reasons in its minutes

NOW THEREFORE BE it resolved, by the Township Committee of the Township of Hanover, in the County of Morris and the State of New Jersey the Governing Body gives the following reasons for adopting Ordinance 44-14 notwithstanding inconsistency of Ordinance with Land Use Plan element of the master plan;

- 1) The Ordinance is inconsistent with the Housing Plan element of the master plan, assist and addressing Township's affordable housing obligation;
- 2) The Ordinance addresses the Township's zoning obligation in 2000 court settlement;
- 3) The Ordinance adds alternative development option to the current zone; flex warehousing uses are consistent with historic use of the property and with the industrial zone uses to the west of South Jefferson Road.

AND although the Town Center Zone was adopted in 2004 the property in the zone has not redevelopment in the following 10 years since, therefore and alternative development scheme is reasonable to consist in fact the property has been dormant for 25 years and this ordinance will encourage redevelopment of the significant tract of land.

Motion to approve the resolution was made by Member Ferramosca and seconded by Member Francioli and unanimously passed.

Now on adoption, Be it resolved, that an Ordinance entitled, "AMENDING AND SUPPLEMENTING CHAPTER 166 OF THE CODE OF THE TOWNSHIP ENTITLED LAND USE AND DEVELOPMENT LEGISLATION BY ADDING AN ALTERNATIVE MIXED USE DEVELOPMENT OPTION FOR THE TC-TOWN CENTER ZONE DISTRICT" be passed on final reading and that a Notice of the final passage of the Ordinance be published in the December 31st, 2014 issue of the Daily Record.

Motion on Adoption with the Amendment made by Member Ferramosca and seconded by Member Gallagher and unanimously passed.

Mr. Coppola: Before I say yes, I would like to say thank you to our Administrator, Mayor and Attorney and Planner, we had a lot of emails going around and they certainly did an excellent job in explaining this to us in our meeting prior to this coming out here this evening. I also want to thank Committeeman Ferramosca for clarifying the portion on the age restriction and with that Yes.

So Adopted.

ORDINANCE NO. 45-14:

**AMENDING AND SUPPLEMENTING SECTION 12.
OF ORDINANCE NO. 23-2014 ESTABLISHING NEW RATES OF PAY FOR
THE PERFORMANCE OF OFF-DUTY, SIDE JOB ASSIGNMENTS
PERFORMED BY MEMBERS OF THE HANOVER TOWNSHIP POLICE
DEPARTMENT.**

Proof of Publication that the Ordinance and the Notice of Introduction for Ordinance 45-14 appeared in full in the December 15th, 2014 issue of the Daily Record in accordance with the law and we have filed the Ordinance and Notice of Introduction with the Morris County Planning Board in accordance with the Municipal Land Use Law.

Motion to convene a public hearing was made by Member Coppola and seconded by Member Brueno and unanimously passed.

Is there anyone present wishing to be heard at this time?

Seeing None, hearing none

Motion to close by Member Coppola and seconded by Member Brueno and unanimously passed.

Be it resolved, that an Ordinance entitled, "AMENDING AND SUPPLEMENTING SECTION 12. OF ORDINANCE NO. 23-2014 ESTABLISHING NEW RATES OF PAY FOR THE PERFORMANCE OF OFF-DUTY, SIDE JOB ASSIGNMENTS PERFORMED BY MEMBERS OF THE HANOVER TOWNSHIP POLICE DEPARTMENT," be passed on final reading and that a Notice of the final passage of the Ordinance be published in the December 30th, 2014 issue of the Daily Record.

Motion on Adoption made by Member Coppola and seconded by Member Francioli and unanimously passed.

So Adopted.

RESOLUTIONS AS A CONSENT AGENDA:

RESOLUTION NO. 224-2014

**A RESOLUTION PROVIDING FOR THE ADVANCEMENT IN GRADE AND
COMPENSATION FOR SERGEANT RYAN WILLIAMS IN THE POLICE
DEPARTMENT HAVING RECEIVED A SATISFACTORY JOB PERFORMANCE
EVALUATION**

WHEREAS, in accordance with the Police Department's Job Performance Evaluation System, the employee named below has received a satisfactory job performance evaluation from the Chief of Police, and subject to Township policy, is entitled to advance in grade and compensation based on his anniversary date as described below; and

WHEREAS, the Township's Chief Municipal Finance Officer has certified that the advancement in grade and compensation for the officer mentioned below are correct.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Hanover in the County of Morris that the individual named below, in accordance with the current Collective Negotiations Agreement with the Superior Officers Association, PBA Local No. 128A and Salary Ordinance No. 21-14 shall be advanced in grade and compensation on his anniversary date as follows:

POLICE:

Sgt. Ryan Williams
Step 3 of Sgt's Guide

\$115,364.00 per annum
Effective Date: 01/01/15

BE IT FURTHER RESOLVED, that a certified copy of this resolution shall be transmitted to the Township's Chief Municipal Finance Officer and Chief of Police for their reference and action.

RESOLUTION NO. 225-2014

A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER FIXING THE MAXIMUM WORK WEEK FOR PART-TIME EMPLOYEES AND ADOPTING THE ALTERNATIVE APPROACH TO THE MONTHLY MEASUREMENT METHOD FOR DETERMINING FULL-TIME STATUS UNDER THE PATIENT PROTECTION AND AFFORDABLE CARE ACT

WHEREAS, effective January 1, 2015, the "employer mandate" provisions of the Patient Protection and Affordable Care Act will take effect; and

WHEREAS, under the "employer mandate" provisions of the Patient Protection and Affordable Care Act, the Township of Hanover would be required to provide health insurance coverage to any employee in any month in which the employee provides an average of thirty (30) hours of service per week, a definition that includes employees who the Township has historically considered to be part-time and who have not historically been provided with health insurance coverage; and

WHEREAS, the Township Committee has determined that the cost of providing health insurance coverage to employees who the Township has historically considered to be part-time would be prohibitive, and would render the continued employment of part-time employees not feasible; and

WHEREAS, the Township Committee has determined that the Township's part-time employees provide valuable services for the Township, its residents and taxpayers, and that an approach needs to be found to continue their employment without prohibitive cost; and

WHEREAS, the Township Committee has determined that the most feasible means to continue to employ part-time employees without prohibitive cost is to set a ceiling on their weekly hours of service that would cause them not to fall within the definition of "full-time" employees for purposes of the PPACA; and

WHEREAS, the regulations adopted by the United States Department of Treasury/Internal Revenue Service identify three permissible methods that an employer may use to determine full-time status for purposes of the "employer mandate" provisions

of the Patient Protection and Affordable Care Act, and the Township Committee has determined to select the method that is most advantageous to the Township.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hanover in the County of Morris and the State of New Jersey as follows:

1. The Township of Hanover hereby adopts the “alternative approach” to the “monthly measurement method,” as more fully defined in 26 C.F.R. Sec. 54.4980H-1(a)(21)(iii) and 26 C.F.R. Sec. 54.4980H-3(c)(3), for the purposes of determining which of its employees qualify as full-time employees under the “employer mandate” provisions of the Patient Protection and Affordable Care Act.
2. For purposes of applying the aforesaid alternative approach to the “monthly measurement method,” a “week” shall be defined as the same seven-day calendar period currently used by the Township of Hanover for the purpose of determining entitlement to overtime pay for non-exempt employees under the federal Fair Labor Standards Act (FLSA).
3. Effective January 1, 2015, employees hired or designated by the Township of Hanover as part-time employees shall not be permitted to provide, in any week, more than twenty-nine (29) hours of service. For purposes of this Resolution, “service” shall be defined as hours actually worked and hours for which payment is made or due. The *only* exceptions to this provision shall be allowed (a) when hours of service in excess of twenty-nine (29) per week are required by law, and then only to the extent that the law so requires, and (b) when expressly authorized by separate and express Resolution of the Township Committee.
4. The Township of Hanover Personnel Policies and Procedures Manual is hereby deemed to be amended to comply with the provisions of this Resolution. In case of conflict between the terms of the Township of Hanover Personnel Policies and Procedures Manual and the terms of this Resolution, this Resolution shall control. Any provision of the Township of Hanover Personnel Policies and Procedures Manual that is not consistent with the provisions of this Resolution shall be deemed null, void and superseded.
5. The Business Administrator and Township’s personnel and labor counsel are hereby directed to review the Township’s Ordinances pertaining to personnel, and to recommend amendments thereto that may be necessary or appropriate for implementing the provisions of this Resolution.
6. Certified copies of this resolution shall be transmitted to the Township Attorney, the Township’s personnel and labor attorney, the Chief

Municipal Finance Officer and the Township's Human Resource Specialist for reference and informational purposes.

RESOLUTION NO. 226-2014
RESOLUTION PROVIDING FOR THE INSERTION OF ANY SPECIAL
ITEM OF REVENUE IN THE BUDGET OF ANY COUNTY OR MUNICIPALITY
PURSUANT TO N.J.S.A. 40A:4-87 (CHAPTER 159, P.L. 1948)

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the Budget of the county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of an item of appropriation for equal amount.

Section 1.

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Hanover hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2014 which item is now available as a revenue from:

State of New Jersey, Department Of Energy and Environmental Protection, Office of Recycling Recycling Act of 1981 (P.L. 81, c. 278)	\$37,837.92
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Section 2.

BE IT FURTHER RESOLVED, that a like sum of \$37,837.92 be and the same is hereby appropriated under the caption of:

Other Operations Excluded from Caps:	
State and Federal Programs Offset by Revenues:	
Recycling Act of 1981 (P.L. 81, c. 278)	
Recycling Program: Other Expenses	\$37,837.92

RESOLUTION NO. 227-2014

A RESOLUTION OF THE TOWNSHIP COMMITTEE AUTHORIZING THE AWARD OF A CONTRACT TO JC LANDSCAPE CONSTRUCTION & MANAGEMENT COMPANY, INC. THE LOWEST RESPONSIBLE AND RESPONSIVE BIDDER, IN AN AMOUNT NOT TO EXCEED \$65,375.00 FOR THE STRUCTURAL MODIFICATIONS TO THREE (3) EXISTING OVERHEAD GARAGE DOORS AT THE PUBLIC WORKS DEPARTMENT GARAGE, AND FURTHER AUTHORIZING THE MAYOR AND TOWNSHIP CLERK TO EXECUTE A CONTRACT WITH THE COMPANY

WHEREAS, the Township has acquired three (3) new state-of-the-art 31-cubic yard automated sanitation trucks with right hand articulated arms; and

WHEREAS, because of the significant height of the new automated sanitation trucks, it is necessary for the Township to perform structural modifications and replace three (3) existing overhead garage doors in order to increase the clearance height of three (3) bays for the safe and easy storage of the trucks at the Township's Public Works Garage located at 25 North Jefferson Road in Whippany; and

WHEREAS, the structural modifications and replacement of the three (3) existing overhead garage doors will permit the safe and easy access for the three (3) new trucks to be stored in the garage located at 25 North Jefferson Road in Whippany; and

WHEREAS, the Township of Hanover, acting in conformity with N.J.S.A. 40A:11-1 et seq., publicly advertised for bids on November 25, 2014 for the above referenced overhead door modifications project; and

WHEREAS, the overhead door modifications project will include structural modifications consisting of limited demolition, lintel relocation/resetting/replacement, jamb extension, existing brick fascia resetting and relocation of existing lighting and electrical components within the project area all as set forth in detail in the Township's Specification and Supplementary Specification; and

WHEREAS, on December 16, 2014, pursuant to public advertising, the Township's Bid Reception Committee met and received and opened a total of two (2) sealed competitive bids out of three (3) prospective bidders; and

WHEREAS, the Township Engineer, acting within his authority and in conformity with N.J.S.A. 40A:11-1 et seq. has carefully examined all the bid documents for this overhead garage doors' modification project and has determined that the lowest competitive bid submitted by **JC Landscape Construction and Management Company** for the overhead door structural modifications project which includes replacement of three (3) existing overhead garage doors at the Public Works Department Garage is in total conformance with the Township's Specification and Supplementary Specification and does not include any exceptions, deviations or deficiencies, and is therefore deemed the lowest responsible and responsive bidder; and

WHEREAS, in a letter dated December 17, 2014 to the Township Committee, the Township Engineer recommended that the governing body award a contract for the overhead door structural modifications project described herein to **JC Landscape Construction & Management Company, Inc.** which bidder submitted the lowest competitive bid for this project in the amount of \$65,375.00; and

WHEREAS, sufficient funds have been appropriated and are available for this project through the Capital Improvement Fund Ordinance No. 26-13, Line Item No. 410-5688-499, all in accordance with requirements of the Local Budget Law, N.J.S.A. 40A:4-1 et seq.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Hanover in the County of Morris and State of New Jersey as follows:

1. A contract is hereby awarded to:

JC Landscape Construction & Management Company, Inc.
8 Industrial Road
Pequannock, New Jersey 07440

for the overhead door structural modifications project which includes replacement of three (3) existing overhead garage doors at the Township's Department of Public Works Garage, all in accordance with the Specification and Supplementary Specification which were utilized by the Township in connection with the bidding process as set forth in the advertisement for bids, said contract being awarded on the basis that it shall not exceed \$65,375.00.

2. Upon commencement of the work, **JC Landscape Construction & Management Company, Inc.** shall be responsible in providing sufficient personnel, and to continue in completing the project in an expeditious fashion, all in accordance with requirements of the Township's Specification. In addition, **JC Landscape Construction & Management Company, Inc.** shall be required to submit a satisfactory work or progress schedule to the Township Engineer.

3. The Township's Chief Municipal Finance Officer has certified that sufficient funds have been appropriated and are available through Capital Improvement Fund Ordinance No. 26-13, Line Item No. 410-5688-499 the amount of \$65,375.00 for the resurfacing project set forth in this resolution.

4. The Mayor and Township Clerk are hereby authorized to execute a contract on behalf of the Township of Hanover with **JC Landscape Construction & Management Company, Inc.** in an amount not to exceed \$65,375.00.

5. A certified copy of this resolution shall be transmitted to the Township Engineer, the Chief Municipal Finance Officer and **JC Landscape Construction & Management Company, Inc.** for their reference and information.

RESOLUTION NO. 228-2014

A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER, COUNTY OF MORRIS, STATE OF NEW JERSEY AUTHORIZING THE EXECUTION OF A QUITCLAIM DEED FOR PROPERTY LOCATED AT 1294 ROUTE 10, ALSO KNOWN AS BLOCK 3301, LOT 2

WHEREAS, there is located in the Township of Hanover, a property located at 1294 Route 10, designated as Block 3301, Lot 2 on the Hanover Township Tax Map (the "Property"); and

WHEREAS, the Property, which was owned by Hanover Park Partnership, was the subject of a foreclosure by the Township of Hanover in 1994; and

WHEREAS, upon recent review by the Township, it appeared that the 1994 foreclosure was not valid as unbeknownst to the Township, a bankruptcy was ongoing at that time; and

WHEREAS, the Township has previously placed the Property on the Township's Recreation and Open Space Inventory (ROSI), under the belief that the Township was the owner of the property; and

WHEREAS, upon request to the New Jersey Green Acres Program that the Property be removed from the Township's ROSI, the Property was so removed by letter, dated December 4, 2014; and

WHEREAS, the Township now desires to memorialize ownership of the Property by transferring the Property by Quitclaim Deed to Hanover Park Partnership; and

WHEREAS, the Township Attorney has drafted the Quitclaim Deed, which is attached hereto.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Hanover in the County of Morris and State of New Jersey as follows:

1. The Quitclaim Deed, attached hereto, is hereby accepted by the Township of Hanover.
2. The Mayor and Township Clerk of the Township of Hanover are hereby authorized to execute the aforementioned attached Quitclaim Deed on behalf of the Township.
3. That certified copies of this resolution shall be transmitted to the Township's Certified Tax Assessor and the Township's Chief Municipal Finance Officer for reference and information purposes.
4. This Resolution shall take effect immediately.

RESOLUTION NO. 229-2014

A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER ADOPTING A TOWNSHIP OF HANOVER PARENT/SPECTATOR CODE OF CONDUCT RELATED TO ALL ATHLETIC SPORTS PROGRAMS, EVENTS AND

ACTIVITIES EITHER SPONSORED OR NOT SPONSORED BY THE TOWNSHIP'S RECREATION AND PARK ADMINISTRATION DEPARTMENT

WHEREAS, the Legislature of the State of New Jersey adopted N.J.S.A. 5:17-1 et seq. finding that interscholastic youth athletic sports programs play an important role in promoting the physical, social and emotional development of children and adolescents; and

WHEREAS, the Legislature also found that it is essential for parents, coaches and officials to encourage youth athletics to embrace the values of good sportsmanship and that adults involved in youth sports events should be models of good sportsmanship and should lead by example by demonstrating fairness, respect and self-control; and

WHEREAS, in a memorandum dated December 10, 2014 to the Mayor and Township Committee, the Township's Board of Recreation Commissioners requested that the governing body adopt a resolution to implement a Township of Hanover Parent/Spectator Code of Conduct which is based on the Code of Conduct promulgated by the State of New Jersey; and

WHEREAS, the Township Committee agrees that it is essential that all coaches, umpires, parents, participants and attendees who are participants or spectators at athletic sports programs, events or other activities sponsored by the Township's Recreation and Park Administration Department or who are participants or spectators of any athletic sports program, event or activity taking place upon any public property owned or maintained by the Township shall conduct themselves with fairness, respect and self-control at all times; and

WHEREAS, the Township Committee resolves that each such coach, umpire, parent, participant and attendee shall conduct themselves in accordance with the Township's Parent/Spectator Code of Conduct.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Hanover in the County of Morris and State of New Jersey as follows:

1. The governing body hereby adopts a Parent/Spectator Code of Conduct which is attached hereto and made a part of this resolution as if set forth in full. This Code of Conduct shall be applied to all athletic sports programs, events or activities sponsored by the Township's Recreation and Park Administration Department and any athletic sports programs, events or activities not sponsored by the Township but taking place on any public property owned or maintained by the Township of Hanover.
2. The Township's Recreation and Park Administration Department shall implement and enforce the provisions of the Parent/Spectator Code of Conduct and disseminate copies of the Code of Conduct to all athletic

sports teams and organizations under the supervision and management of the Township's Recreation and Park Administration Department and those sports athletic leagues independent of the Township of Hanover but utilizing the Township's athletic fields and other related public property facilities.

3. That certified copies of this resolution shall be transmitted to the Superintendent of the Recreation and Park Administration Department, the Superintendent of the Public Works, Buildings and Grounds and Park Maintenance Department and the Chief of Police for reference and information purposes.

Mr. Brueno: We wanted to make the Code of Conduct uniform right now. We have several different governing body's per sport, little league has their own committee, and commission and football has theirs and there are some sports that essentially report directly to the Recreation Commission so this will make it uniform and I think what we are saying is to summarize is that we do expect not just the parents but all spectators that are involved in youth sports to be on good behavior, but more importantly if they are not this now gives us the leverage and authority to deal with them accordingly. There was another layer there was a little cloud of confusion prior to doing this and this is what we are setting out to accomplish, that if we feel if someone is acting inappropriately this gives us the authority to take action as opposed to going through another commission or another layer of authority first, we can take action immediately and again the intent here is to prevent, fans or spectators from being out of control at a kids sporting event.

Motion to approve by Member Francioli and seconded by Member Ferramosca and unanimously passed as consent agenda.

RAFFLE LICENSES:

- RL-2810 – Morris Catholic HS – Tricky Tray
- RL-2811 – Morris Catholic HS –50/50 on premise

Motion to approve by Member Coppola and seconded by Member Brueno and unanimously passed as consent agenda.

PAYMENT OF BILLS:

The governing body approved a grand total disbursement of \$529,515.11 for the payment of all bills as of this Regular Township Committee Meeting. A copy of the "Bills Payment List – by Vendor" is hereby approved and made a part of this resolution as if set forth in full. Moved by Member Ferramosca and seconded by Member Coppola and unanimously passed.

A copy of the bill Payment List – by Vendor has been incorporated in the Supplemental Minute Book – Payment of Bills which is on file in the Township Clerk's Office.

OTHER BUSINESS:

Mayor: Thank you everyone for the diligence and patience this evening. Is there any other business from the Township Committee?

Mr. Brueno: Real quick, from our Department of Public Works, we will be collecting garbage on Wednesday as scheduled, Thursday there will be no pick up if you are scheduled for Thursday that will take place on Friday. Likewise, next week for New Year's Day no garbage pickup but the pickup will take place on Friday. Now that we are going to once a week we are not skipping days anymore so rest assured that garbage pickup will take place and just like the Mayor I just want to wish everybody the Happiest of Holidays, Merry Christmas, Happy New Year and we look forward to seeing everyone on January 1st.

Mr. Coppola: This morning I did meet with Chief Gallagher due to the unfortunate situation that occurred recently we both felt that we did tell the Patrol Staff to be very careful, I don't think we can be excluded, anything can happen anywhere. So I know everyone has a heartfelt sorrow for what took place and we ask that everyone please be careful, so we always have to take a precautionary steps, and with that I too wish everyone a very Merry Christmas, Happy Healthy and Blessed New Year, see you on the 1st ~ 12:00 noon.

Mr. Gallagher: I just want to say, Merry Christmas and Happy New Year to everybody this is to close my first year as a Committeeman and I want to say this past 8 to 10 days working with my fellow Committeeman, our residents and Fred in legal over this ordinance 44-14 everybody was great very patient and being the newest guy on the block I had quite a lot of catch up to do, but it was great working with you guys this year, I think next year will be even better and thank you for everything and thank you everybody for coming out and I hope you have a great safe holiday.

Mr. Ferramosca: I just want to echo the feelings of the Committee wishing everybody here a very Merry Christmas and a Happy, Healthy New Year.

Mr. Giorgio: And a Happy Hanukkah to all our Jewish friends.

Mayor: I apologize for any confusion on that sanitation pick up, some phone calls came but I think Bob straightened it out, I think we had a little confusion on our 2014 calendar. You should have all gotten your 2015 calendar for sanitation but again if you are a Wednesday pick up it will be regular pickup, if it's Thursday it will just be the following Friday, again I echo all the greetings of our Township Committee for you to have a Wonderful Christmas, Happy Hanukkah, Happy New Year, enjoy the holiday's be safe and we look forward to seeing you 12:00 noon on January 1, for reorganization

day the Township Committee will reorganize at that time. And, any new appointments and reappointments will be announced on that day at the same time. Hope to see you all there and followed by a lovely luncheon afterwards compliments of the Township Committee and thank you all very much.

OPEN TO THE PUBLIC

Motion to open made by Member Ferramosca and seconded by Member Brueno and unanimously passed.

Joseph Mihalko: I like to congratulate all of you on your actions this evening it's been a most pleasurable experience for me to have ended this year on such a high note. I just caution you, know I will probably be absent for the next three months it seems that there is some sunshine calling me and my wife said we must enjoy ourselves. However, I would leave you with one note, and I hope I don't have to fly back up from Florida to address it later on, it seems that we seems to be running very positively right now. The Town is headed in a perfectly fine direction, as of note some sources the Township of Hanover Board of Education is in the process trying to dispose of or utilize or gain some monetary benefit from certain pieces of property that they own, I would encourage the Township Committee to go to the Land use what's the organization Mr. Steiger is with

Open Space Committee

I understand it, we have a number of, a fair amount of credit with the county Open Space funds and would hope that the Township consider availing themselves of the opportunity to perhaps work with the Board of Education to acquire these partials of properties that they wish to abandon in favor of open space for our children for our school and for our community it seems like it would be certain that a perfect addendum to having open space near our school property so that the community the families of Hanover township could continue to enjoy it. At probably minimal cost to the town using our land use funds. Minimal costs, so considering all that I wish you all a blessed New Year.

Mayor: The Township Committee has undertaken some estimates on the costs of those properties and have been having discussions about them and if our open space committee has some suggestions and we are happy to hear those as well, it's on our radar as well.

Judy Iradi: Mr. Mihalko reminded me of something, yes the town is going in a great direction right now, and please stay on course and I think something Mayor that the residents may have missed when you were talking, and that is the location of the Merck and that's the front portion on Whippany Road the former Lucent property, so that is a great addition to the town

Mayor: MetLife,

Mrs. Iradi: MetLife, not Merck relocate on that property, that's a really great thing and making it a great position as far as our ratable coming in, staying in a right direction, stay on course and we will all be happy.

Mayor: We are extremely excited over MetLife and I think I am also safe not telling tales out of school and I'm sure our friends at ShopRite will not be too happy with me, but Fred Wegman's has signed their contract to go forward with the construction and the emails have been sent to me, it's in print and we are looking forward to adding that to the Township as well. Mike by the time you come back with your sun time you will be able to see some construction there as well.

Mayor: Anyone else would like to address us, please give us your name and address... Seeing none hearing none.

Motion to close made by Member Ferramosca and seconded by Member Gallagher and unanimously passed.

TOWNSHIP COMMITTEE
TOWNSHIP OF HANOVER
COUNTY OF MORRIS
STATE OF NEW JERSEY

Joseph A. Giorgio, Township Clerk